



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2012-0283; FRL-9387-4]

Azoxystrobin; Pesticide Tolerance; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of April 24, 2013, establishing new and modifying existing tolerances for residues of azoxystrobin. EPA inadvertently omitted the revised tolerance for wheat, forage to the table in the regulatory text. This document corrects that omission.

DATES: This technical correction is effective [*insert date of publication in the Federal Register*].

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2012-0283, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Erin Malone, Registration Division

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SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

The Agency included in the April 24, 2013 final rule a list of those who may be potentially affected by this action.

II. What Does this Technical Correction do?

EPA issued a final rule in the **Federal Register** of April 24, 2013 (78 FR 24094) (FRL-9384-2), establishing new and modifying existing tolerances for residues of the fungicide azoxystrobin in or on various commodities. EPA inadvertently omitted the revised tolerance for wheat, forage in the table in § 180.507(a)(1) of the regulatory text. As indicated in the preamble to that final rule (on page 24099, first column, third full paragraph), EPA intended to revise, as part of the final rule, a tolerance for wheat, forage at 15.0 parts per million (ppm). This technical correction completes the action EPA intended to take in the final rule of April 24, 2013, by revising the existing tolerance for wheat, forage from 25 ppm to 15.0 ppm.

III. Why is this Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without

prior proposal and opportunity for comment, because this action merely corrects an omission. The preamble stated the Agency's intent to revise the tolerance level for azoxystrobin in or on wheat, forage. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the Statutory and Executive Order Reviews Apply to this Action?

No. For a detailed discussion concerning the statutory and executive order review, refer to Unit VI. of the April 24, 2013 final rule.

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 21, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is corrected as follows:

PART 180--[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321 (q), 346a and 371.

2. In § 180.507, revise the commodity “Wheat, forage” in the table in paragraph (a)(1) to read as follows:

§ 180.507 Azoxystrobin; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * *	* *
Wheat, forage	15.0
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